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EXAMINER

DELGIZZI, RONALD E.

ART UNIT PAPER NUMBER

2875

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,272

Applicant(s)

HURWITZ

Examiner

DELGIZZI

Group Art Unit

2875

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on DEC 17, 2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above claim(s) 1-4 is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 5-18 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5, 6 & 17-18 are rejected under 35 USC 103(a) as unpatentable over MOORE ET AL. in view of TOKARZ ET AL.

3. Regarding Claim 5, MOORE ET AL. discloses (Col 1, lines 5-7) and shows (Fig 1) the invention substantially as claimed including a marine craft, comprising:

at least one sail structure (Fig 1);

at least one electroluminescent lamp attached to said sail structure, for providing auxiliary illumination for said craft in low-light or no-light conditions.

However, MOORE ET AL. fails to expressly disclose at least one electroluminescent lamp attached to said sail structure, for providing auxiliary illumination for said craft in low-light or no-light conditions.

TOKARZ ET AL. teaches an electroluminescent lighting element (Col 1, lines 25-49), (Col 2, lines 4-29) (Col 3, lines 27-30) that can be secured to a headliner of a convertible, but disclose that it can be used in a variety of areas because of its space-saving feature (Col 3, lines 27-30). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine

the electroluminescent lamp for the headliner as taught by TOKARZ ET AL. to the sail structure in the craft of MOORE ET AL. since the space constraints aboard a boat would indicate that a small, compact lighting system such as that disclosed by TOKARZ ET AL. would be advantageous as a space- and weight-saver.

4. Regarding Claim 6 (amended), MOORE ET AL. discloses (Col 1, lines 5-7) and shows (Fig 1) the invention substantially as claimed including a marine craft, comprising:

at least one flotation structure; and (Examiner's note: the entire hull of the sail boat qualifies as a "flotation structure");

at least one electroluminescent lamp attached to said flotation structure, to provide non-navigational auxiliary illumination for said marine craft in low-light or no-light conditions

However, MOORE ET AL. fails to expressly disclose at least one electroluminescent lamp attached to said flotation structure, for providing non-navigational auxiliary illumination for said craft in low-light or no-light conditions.

TOKARZ ET AL. teaches an electroluminescent lighting element (Col 1, lines 25-49), (Col 2, lines 4-29) (Col 3, lines 27-30) that can be secured to a headliner of a convertible, but disclose that it can be used in a variety of areas because of its space-saving feature (Col 3, lines 27-30). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the electroluminescent lamp for the headliner as taught by TOKARZ ET AL. to the flotation structure of the craft of MOORE ET AL. since the space constraints aboard a boat would indicate that a small, compact lighting system such as that disclosed by TOKARZ ET AL. would be

advantageous as a space- and weight-saver.

5. Regarding Claims 17 (amended) and Claim 18, MOORE ET AL. discloses (Col 1, lines 5-7) and shows (Fig 1) the invention substantially as claimed including a craft as claimed in claim 5, wherein said sail structure includes a mast and a boom. MOORE ET AL. discloses said sail structure includes a "mast") (Fig 1) and a boom (fig 1); however, MOORE ET AL. fails to expressly disclose at least one electroluminescent lamp attached to said sail structure, for providing non-navigational auxiliary illumination for said craft in low-light or no-light conditions.

However, MOORE ET AL. fails to expressly disclose at least one electroluminescent lamp attached to said sail structure, for providing auxiliary illumination for said craft in low-light or no-light conditions.

TOKARZ ET AL. teaches an electroluminescent lighting element (Col 1, lines 25-49), (Col 2, lines 4-29) (Col 3, lines 27-30) that can be secured to a headliner of a convertible, but disclose that it can be used in a variety of areas because of its space-saving feature (Col 3, lines 27-30). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the electroluminescent lamp for the headliner as taught by TOKARZ ET AL. to the sail structure in the craft of MOORE ET AL. since the space constraints aboard a boat would indicate that a small, compact lighting system such as that disclosed by TOKARZ ET AL. would be advantageous as a space- and weight-saver.

6. Claims 7-12 & 16 are rejected under 35 USC 103(a) as unpatentable over MOORE ET AL.

in view of TOKARZ ET AL. as applied to Claims 6 above and further in view of NESTER.

7. Regarding Claims 7-12 & 16, MOORE ET AL. in view of TOKARZ ET AL. discloses and shows the invention substantially as claimed including a craft as claimed in Claim 6, wherein said flotation structure comprises a dinghy (Note: when the mast and boom are removed, which is the case in small sail boats, the remaining hull can and often does serve as a dinghy). Also, said flotation structure comprises a boat body. However, MOORE ET AL. in view of TOKARZ ET AL. fail to expressly disclose that an electroluminescent lamp is affixed to an outer surface of said body or recessed in an outer surface of said body. Nor do MOORE ET AL. in view of TOKARZ ET AL. expressly disclose that said craft is a jet-ski, or a marine rescue vehicle, or a life raft.

NESTER teaches a lighting system for a personal watercraft including a jet ski (Col 1, lines 5-23). It would have been obvious to one having ordinary skill in the art to have substituted the jet ski as taught by NESTER for the craft of MOORE ET AL. in view of TOKARZ ET AL.. (moreover, Examiner interprets the jet ski as being able to perform in a rescue function and therefore can also serve as a life raft) for the purpose of having a smaller, light craft with greater flexibility, agility, and maneuverability in the water.

8. Claims 13-15 are rejected under 35 USC 103(a) as unpatentable over LEVASSEUR in view of CHIEN ET AL..

9. Regarding Claim 13, LEVASSEUR discloses and show apparatus for marine use (Fig 1), comprising:

an immersible body (Fig 1); LEVASSEUR also disclose that said immersible body comprises

a diving fin and that said immersible body comprises a diving mask or goggles (Fig 1).

However, LEVASSEUR fails to expressly disclose said immersible body having at least one transparent or semi-transparent surface layer; and at an electroluminescent lamp recessed in an outer surface of said immersible body beneath said transparent or semi-transparent layer.

CHIEN ET AL. teaches a soft light-strip comprising an electroluminescent strip (Col 2, lines 24-25) for use with a vest or other apparel (Col 1, lines 8-11, 15-42) and disclose that the lamp (Fig 1)(10) is recessed in an outer surface of material (Fig 1)(20) beneath a transparent layer (Fig 1)(30) (Col 2, lines 6-15). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the electroluminescent lamp as taught by CHIEN ET AL. To the immersible body of LEVASSEUR for the purpose of enhancing safety and visibility during marine operations.

Response to Arguments

11. Applicant's arguments with respect to claims 5-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. TABANERA, PRITCHARD ET AL., PAULY, LEKSON, ANDERSON, JR. ET AL. are cited for disclosing features pertinent to Applicant's disclosure.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald E. DelGizzi, Mon-Thurs, 0730 to 1800 EST at (703) 305-0648, or to Sandra O'Shea, Supervisory Patent Examiner, Mon-Fri, at (703) 305-4939, or to the receptionist at (703) 308-0956 (phone) or at either fax # (703) 305-3431 or fax # (703) 308-7724 and for "After-Final" correspondence, fax # (703) 872-9319.

rdg



February 14, 2003


Ronald E. DelGizzi

Patent Examiner, Art Unit 2875